

REMARKS

Claims 1-53 were examined. Claims 2, 3, 7, 8, 17, 18, 26, 27, 34, and 37-53 are canceled. Claims 1, 4, 9, 10, 13, 24, 25, 30, and 31 are amended. Thus, claims 1, 4-6, 9-16, 19-25, 28-33, 35, and 36 remain pending in the application. Applicant hereby requests further examination and reconsideration of the application, in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 102

The Patent Office rejected claims 1, 6, 7, 8, 11, 13, 18, 19, 21, 22, 24, 25, and 37-53 under 35 U.S.C. § 102(e) as being anticipated by Torrey et al., U.S. Patent Number 6,751,462 (Torrey). Claims 7, 8, 18, and 37-53 are cancelled. Applicant traverses the rejection of the remaining claims for at least the following reasons.

Independent claims 1, 24 and 25 now more particularly recite that the relaying unit increases the voltage of communication signals received from the mobile telephone and provides the communication signals to the wired telephone and decreases the voltage of communication signals received from the wired telephone and provides the communication signals to the mobile telephone, claim 24 being written in accordance with 35 U.S.C. §112., paragraph 6. Similarly, independent claims 13 and 31 more particularly recite that one of the mobile telephone coupling unit and the relaying unit detects connection of the mobile telephone to the mobile telephone coupling unit and the relaying unit thereafter causes the wired telephone network to be disconnected from the wired telephone communication system so that communication with the wired telephone is provided through the wireless mobile telephone system via the wireless telephone.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Torrey fails to disclose, teach or suggest a relaying unit that increases the voltage of communication signals received from the mobile telephone and provides the communication signals to the wired telephone and decreases the voltage of communication signals received from the wired telephone and provides the communication signals to the mobile telephone, as presently claimed in independent claims 1, 24 and 25. Torrey further fails to disclose, teach or suggest that one of the mobile telephone coupling unit and the relaying unit detects connection of the mobile telephone to the mobile telephone coupling unit and the relaying unit thereafter causes the wired telephone network to be disconnected from the wired telephone communication system so that communication with the wired telephone is provided through the wireless mobile telephone system via the wireless telephone, as presently claimed in independent claims 13 and 31.

Instead, Torrey discloses a system wherein a call processing element coverts between tonal analog signals used by the wired telephone and digital information used by the mobile telephone. Torrey discloses a call signaling path for exchanging digital information with the mobile telephone and a separate call communication path for exchanging telephonic information in an analog format used by the wired telephone. Specifically, Torrey discloses:

In an embodiment, connector 106A mates with connector 116A to provide a signaling communications path between the hand-held wireless communication device 100 and premises converter 120 for exchanging call signaling information (e.g., incoming call, place outgoing call, end call, and other remote operation functionality provided by the hand-held wireless communication device 100); connector 106B mates with connector 116B to provide a call communications path between the hand-held wireless communication device 100 and premises converter 120 for exchanging call signals representing the telephonic call. . . .

Torrey, column 3, lines 51-61. Thus, as noted by the Patent Office, nowhere does Torrey describe increasing and decreasing the voltage of communication signals passed between the mobile telephone and the wired telephone as claimed in claims 1, 24 and 25.

Moreover, Torrey discloses a system which allows connected wired telephonic devices to select which network is used to place a call. Torrey specifically states that this ability to select or switch between networks is a highly desirable feature of the system disclosed. For example, Torrey teaches that

connected telephonic devices can select which network to place a call, which provides additional convenience and personal security, especially in an emergency situation when only one of the networks is accessible.

and, that

[t]his switching capability allows the premises converter to provide enhanced features such as connecting telephonic device 234 to one of the wireless and telephone networks 280, 290, while simultaneously connecting telephonic device 235 to the other network 280, 290; providing 3-way calling by bridging both telephonic devices 234, 235 to a call placed or received over the wireless or telephone network 280, 290; and providing ringing current to telephonic devices 234, 235. Additionally, switching element 225 comprises control circuitry which allows telephonic devices 234, 235 to select which of the wireless or telephone networks 280, 290 to connect (e.g., telephonic device 234, 235 generates tones "*w" to connect to wireless network 280, and tones "*t" to connect to telephone network 290; or via a line selection button on telephonic device 234, 235).

Id., column 2, lines 14-18 and column 4, line 61 through column 5, line 9. Thus, as again noted by the Patent Office, nowhere does Torrey disclose that the system described therein detects connection of the mobile telephone to the mobile telephone coupling unit and the relaying unit thereafter causes the wired telephone network to be disconnected from the wired telephone communication system so that communication with the wired telephone is provided through the wireless mobile telephone system via the wireless telephone, as presently claimed in independent claims 13 and 31.

Claim Rejections – 35 U.S.C. § 103

The Patent Office rejected claims 2, 3, 14 15, 26, 27, 32, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Torrey in view of Steffensen et al., U.S. Patent Number 5,528,667 (Steffensen). The Patent Office also rejected claims 4 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Torrey and Steffensen, and further in view of Uchiyama, U.S. Publication Number 2002/0072390 A1 (Uchiyama). The Patent Office also rejected claims 5, 6, 8, 17, 18, 28, 29, 31, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Torrey. The Patent Office further rejected claims 9, 20 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Torrey in view of Maki, U.S. Publication Number 2002/0160792 A1 (Maki). The Patent Office further rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Torrey in view of Pulver, U.S. Patent Number 6,741,835

(Pulver). Finally, the Patent Office rejected claims 12 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Torrey in view of Bacon, U.S. Publication Number 200/0203482 A1 (Bacon). Claims 2, 3, 8, 17, 18, 26, 27 and 34 have been canceled. Applicant traverses the remaining rejections for at least the following reasons.

When applying 35 U.S.C. § 103, the following tenets of patent law must be adhered to: (A) the claimed invention must be considered as a whole; (B) the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) reasonable expectation of success is the standard with which obviousness is determined. See MPEP § 2141 and *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 220 USPQ 182, 187 n.5 (Fed. Cir. 1986). Moreover, to establish obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970).

As noted above, the primary reference, Torrey, fails to teach or suggest a relaying unit that increases the voltage of communication signals received from the mobile telephone and provides the communication signals to the wired telephone and decreases the voltage of communication signals received from the wired telephone and provides the communication signals to the mobile telephone, as presently claimed in independent claims 1, 24 and 25. Torrey further fails to disclose teach or suggest that one of the mobile telephone coupling unit and the relaying unit detects connection of the mobile telephone to the mobile telephone coupling unit and the relaying unit thereafter causes the wired telephone network to be disconnected from the wired telephone communication system so that communication with the wired telephone is provided through the wireless mobile telephone system via the wireless telephone, as presently claimed in independent claims 13 and 31.

The ancillary references, Steffensen, Uchiyama, Bacon, Maki and Pulver, fail to make up for this defect in the Torrey reference, since they also do not teach or suggest a relaying unit that increases the voltage of communication signals received from the mobile telephone and provides the communication signals to the wired telephone and decreases

the voltage of communication signals received from the wired telephone and provides the communication signals to the mobile telephone, as presently claimed in independent claims 1, 24 and 25, or that one of the mobile telephone coupling unit and the relaying unit detects connection of the mobile telephone to the mobile telephone coupling unit and the relaying unit thereafter causes the wired telephone network to be disconnected from the wired telephone communication system so that communication with the wired telephone is provided through the wireless mobile telephone system via the wireless telephone, as presently claimed in independent claims 13 and 31. Instead, Steffensen merely teaches that signals which are carried by different kinds of cables may be at different voltage levels. Similarly, Uchiyama is relied upon solely for teaching that a relaying unit may provide electrical power for powering a wired telephone, Pulver is relied upon solely for teaching a switch for switching between communication via a wired telephone communication system and a wireless mobile communication system, and Bacon is relied upon solely for teaching a fixed wireless device that is powered through one of various power sources.

Moreover, there exists no motivation or suggestion in the art to modify or combine the references to achieve Applicant's invention. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious. "One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." *In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d 1443 (Fed. Cir. 1992) *quoting In re Fine*, 837 F.2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988).

Finally, as the Examiner is well aware, Applicant is required to seasonably challenge statements by the Patent Office that are not supported on the record, and failure to do so will be construed as an admission by Applicant that the statement is true. M.P.E.P. §2144.03. Therefore, in accordance with Applicant's duty to seasonably challenge such unsupported statements, the Examiner is hereby requested to cite a reference supporting

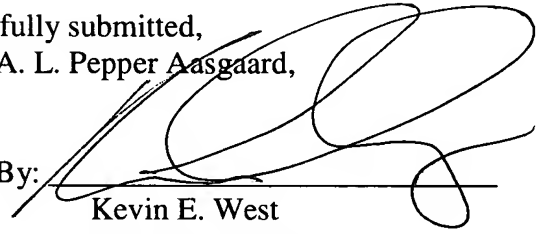
the position that the matter originally claimed in claims 5, 6, 8, 17, 18, 28, 29, 31 and 34, on which the Torrey reference "is silent" would have been obvious to one of ordinary skill in the art. If the Examiner is unable to provide such a reference, and is relying on facts based on personal knowledge, Applicant hereby requests that such facts be set forth in an affidavit from the Examiner under 37 C.F.R. 1.104(d)(2). Absent substantiation by the Examiner, it is respectfully requested that the rejection under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicant submits that claims 1, 4-6, 9-16, 19-25, 28-33, 35, and 36 are patentable over the cited references. Withdrawal of the rejection of claims 1, 4-6, 9-16, 19-25, 28-33, 35, and 36 under 35 U.S.C. § 102 and 35 U.S.C. § 103 is requested. The application is therefore respectfully submitted to be in condition for allowance of all claims. Accordingly, notification to that effect is earnestly solicited.

Respectfully submitted,
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